promptly returned and consequently they were put to much hardship and inconvenience. Formerly when original account books produced in courts were returned, acknowledgments of receipt used to be obtained on the reverse side of copies. This system was very convenient to the merchants. But this was changed and the existing rule was to apply for copies of accounts on stamped applications. The books were returned only after formal orders were passed on the applications. This rule was causing delay in the return of books. It should be changed and the old rule adopted.

DEWAN'S REPLY: Mr. Jacob Hussain Sait, മുമ്പും കോടതിയുടെ ഉത്തരവില്ലാതെ കണക്കു തിരിയെ തരികയില്ല. മുമ്പു ഒരു മെമ്മൊറാണ്ഡം കൊടുത്താൽ മതി. ഇപ്പോഴാകട്ടെ ഒരു ഹർജി കൊടുക്കണം. ഇതുതന്നെ ഉള്ള വ്യത്യാസം. നിങ്ങൾ പ്രസ്താവിച്ചതു പോലെ വലിയ കാലതാമസം വരുന്നുണ്ടോ എന്നുള്ളതിനെപ്പറ്റി ഹൈക്കോടതിയോടു എഴുതി ചോദിച്ചു അവരുടെ അഭിപ്രായം അറിഞ്ഞു വേണ്ടതുചെയ്യാം.

Even formerly the account books were not returned without an order of court. Formerly a memo would have been sufficient; now a formal application is necessary. That is all the difference. The question whether there is abnormal delay in returning the books will be referred to the High Court and on receipt of their reply, necessary action will be taken.

19. Difficulties experienced by the public in civil courts.

Mr. R. BHAGAVATHIPERUMAL CHETTIYAR (*Trading classes, Kottar*) made the following suggestions in regard to the better working of the civil courts:—

(1) More cases than could be taken up and finished on any one day were posted for that day and consequently many of them had to be adjourned. It should be ruled that only as many cases as could be finished should be posted on any day.

(2) All the witnesses summoned on a day were not examined on that day and the examination in respect of many of them was postponed. The statements of all witnesses summoned should be obtained on the day on which they were summoned. Their attendance should taken before the court assembled and their batta paid before they were examined.

(3) Stringent orders should be issued for writing up the decrees of cases within 20 days after their decision.

(4) Within 3 days after decision of a case, the judgment should be handed over to the copyists' section and the records of the case to the records section. Orders should also be issued promptly to hand over to the records section all original documents and account books produced by parties.

(5) The diaries of daily out-turn of each clerk should be checked at the end of every week by the head ministerial officer of the court and submitted for the orders of the presiding officer. The strict carrying out of this arrangement should also be scrutinised at the time of inspection of the court.

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(6) Applications for execution of decrees, such as attachment of property, and issue of warrants, should be promptly attended to and the processes properly served. Information regarding the orders passed on such application should be given to the plaintiff the day after the presentation of the application.

(7) Claims to property attached under execution should be disposed of within a period of six months at the most. The delay in this respect resulted in great loss to the parties.

(8) The service of processes should be attested by the local *proverthikar* or other persons of status.

(9) The rule that not less than 175 words should be written on a sheet of copying paper should be enforced and arrangements made for the proper counting of words.

(10) The excess number of copying sheets produced by applicants for copies of records should be returned in the presence of the head ministerial officer and acknowledgements taken. The number of sheets produced and the number returned should also be entered at the foot of each copy.

(11) Copies of records should be granted within 3 days of the production of copying sheets and the grant of copies should be in strict accordance with the order of producing copying sheets.

(12) Documents produced as exhibits in each case should be returned within 2 days of application provided the period of appeal has expired.

(13) Account books produced by merchants should be promptly examined and returned. Ordinarily they should not be detained in courts. Only portions of the books relevant to the cases concerned should be examined. Other pages should not be looked into as they might contain information that should not be published. If for any reason the account books had to be retained in courts, they should be kept under seal which should be broken only in the presence of the owner or his vakil.

(14) Documents and pro-notes produced in courts should be kept under proper custody.

(15) Chalans should be issued promptly on application for depositing decree amounts. The amounts should be noted on the back of the chalans. On deposit of the amounts the parties concerned should be given prompt notice. When parties applied for return of decree amounts the amount deposited should first be intimated to them and then alone the statement for return of amounts should be called for from the applicants.

(16) If application is made for the transfer of a case from the file of one court to that of another, the transfer should be made within 2 days from the date of application.

(17) Daily and monthly work diaries should be checked by the ding officers and submitted to the superior courts where they be subjected to scrutiny.

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(18) Disposals should be entered in the file book then and there. A Register should be opened wherein the dates on which the decree clerk handed over the case to the file clerk, date of return after entry in the file register and the date of handing over the records to the Records Section should be noted.

(19) In the case of applications for adjournment, it is enough if affidavits alone are insisted on as of old.

(20) Cases pending for more than two years should be disposed of without further delay. It should also be ruled that, in future, no case should be kept pending for more than 3 years.

(21) In giving promotion to Judges and Munsiffs, the quantity and quality of work turned out by them should be taken into account. Promotion should not be given merely on the basis of service.

(22) Judgments should be pronounced within one week after the final hearing. Cases of delay over this period should be entered in the quarterly statements.

(23) When judgment-debtors arrested on warrants escape from custody, they should be promptly prosecuted. The peons from whose custody they escaped should also be severely dealt with in case of remissness of duty. Orders should also be issued to the Magistrates to see that the punishments awarded are deterrent.

(24) The rate of interest on amounts for the recovery of which suits are filed should be fixed at 12 per cent. per annum during pendency of suits, and at the same rate after decree. This would go a long way in preventing unduly long pendency and in promoting promptitude in execution of decrees.

(25) Undisbursed batta and unexpended process fees exceeding one rupee should be returned to the parties on a specified day of the week, of which previous notice should be given. Similarly, undisputed amounts deposited in courts should be paid to the parties concerned after notice. If the parties fail to appear on the specified dates, the amounts should be forfeited to the Government.

(26) The rule insisting on the production of copies of *chitta* and *Tandaper* accounts from the Taluk Office in cases of applications for attachment of property should be cancelled. If necessary, it would be enough if copies attested by *Proverthicars* are produced.

(27) The District Courts should be empowered to dispose of small cause suits of the value of above Rs. 100 and below Rs. 500 arising in respect of property within the towns in which the courts are situate. This arrangement would afford some relief to the Munsiffs of these towns.

(28) Munsiffs in the above-said towns should be empowered to dispose of insolvency petitions involving Rs. 2,000 or less.

(29) Whenever petty deposits like witness batta, commission fees, etc., are furnished, receipts should be granted from the courts.

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DEWAN'S REPLY: Mr. Bhagavathiperumal Chettiyar, may I request you to hand over your representation to the Chief Secretary? I do not know if the reporter has been able to take full shorthand notes of it.

Your representation contains many valuable suggestions; in one sense, I may say, too many for me to reply to them at once. Most of them are suggestions which will have to be considered by the officer who is going to be shortly appointed for investigating the delays in the disposal of cases. The others will be referred to the High Court and disposed of upon the remarks that the High Court may send up to Government.

20. Establishment of a Magistrate's Court at Tiruvalla.

MR. K. V. SRIDHARAN MOOSSATU (*Municipal Council, Tiruvalla*) urged the need for a Magistrate's Court at Tiruvalla. Till the year 1098, there was a Magistrate's Court there. When the proposed abolition of that court was notified for public criticism, the local inhabitants strongly objected to the proposal in vain. Ever since the subject was being pressed at the Assembly, but no definite orders were passed by the Government sanctioning the prayer although the need for it was long felt by them. The member wished to know definitely whether a court at Tiruvalla would be sanctioned or not, so that the matter might be set at rest. He, however, pointed out that the people of Tiruvalla taluk were put to much hardship and loss in having to go to Chengannur, 30 miles away, in connection with magisterial cases. He therefore again pressed the need for a Second Class Magistrate's Court at Tiruvalla.

DEWAN'S REPLY: Mr. Sridharan Moossatu, I am sorry I am not in a position just now to give any such definite assurance as you have asked me to give. I will do the next best thing. I will tell you that this question of a Magistrate's Court at Tiruvalla, along with the wider question of the readjustment of the jurisdiction of the Magistrates in the Quilon Division, is engaging the attention of the Government; and if that too does not satisfy you, I may go further and say that you may expect definite orders in the matter before long.

21. Administration of Civil and Criminal Justice.

MR. NARAYANARU KRISHNARU (*Jenmies, Trivandrum Division, Group II*) made the following suggestions for removing the hardships caused to the public on account of the working of the civil courts:—

(1) Unregistered documents produced in courts were sometimes lost or tampered with. It should therefore be ruled that it would be enough if copies of documents be produced and that the originals should be produced only when necessary.

(2) Details regarding the remittance of court fees, etc, along with the plaint should be attested by the Head Clerk. This would facilitate the preparation of decree after the disposal of the suit.

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